

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER**

UNITED STATES OF AMERICA,
Complainant,

v.

CLEVELAND CONSTRUCTION,
INCORPORATED A/K/A CLEVELAND
CONSTRUCTION INTERIORS, INC.,
Respondent.

)
)
)
) 8 U.S.C. §1324a Proceeding

) OCAHO Case No. 99A00039

) Judge Robert L. Barton, Jr.
)
)

DECISION AND ORDER

(February 24, 2000)

On May 20, 1999, Complainant filed a Complaint against the above-entitled Respondent alleging violations of the employment verification requirements of Section 101 of the Immigration Reform and Control Act of 1986, 8 U.S.C. 1324a ("IRCA").

By a joint "Motion to Approve Consent Findings," executed by counsel for Complainant and counsel for Respondent, the parties have submitted a proposed agreement in settlement of the action pursuant to 28 C.F.R. § 68.14(a)(1). The terms of the agreement are contained in a document entitled, "Consent Findings," executed by counsel for Complainant and its principal and by counsel for Respondent and Respondent on February 15, 2000.

The agreement of the parties reflected in the "Consent Findings" is in a form that satisfies the controlling regulation for disposition by the judge of "[a]ny agreement containing Consent Findings." 28 C.F.R. § 68.14(b). Therefore, as provided by 28 C.F.R. § 68.14(c), this Decision and Order is issued.

FINDINGS OF FACT AND CONCLUSION OF LAW:

1. The document entitled "Consent Findings," including the recitation of facts contained therein, is adopted and made a part of this Decision and Order, according to its terms as fully as if set out herein.

2. I conclude that the document entitled Consent Findings is fair and satisfactory, and should be accepted pursuant to 28 C.F.R. § 68.14.

3. On the basis of the "Consent Findings," I find and conclude that Respondent has violated Section 274A (a)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a (a)(1)(B)) with regard to the employment of the individuals named in Counts I-III of the Complaint.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. That the respondent pay a civil monetary penalty in the amount of fifteen thousand dollars (\$15,000.00) in the manner provided for in the Consent Findings;
2. That each party bear its own attorney fees, other expenses and costs incurred by such party in connection with any stage of this proceeding;
3. That this Decision and Order has the same force and effect as a decision and order made after a full administrative hearing;
4. That the entire record on which this Decision and Order is based consists solely of the Complaint, the Notice of Hearing, and the "Consent Findings" duly executed by the parties;
5. That the parties have waived any further procedural steps before the Administrative Law Judge;
6. That the parties have waived any right to challenge or contest the validity of this Decision and Order; and
7. That the hearing is canceled.

SO ORDERED.

ROBERT L. BARTON, JR.
ADMINISTRATIVE LAW JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February, 2000, I have served the foregoing Decision and Order on the following persons at the addresses shown, by first class mail, unless otherwise noted:

Christine Lynch
Assistant District Counsel
United States Department of Justice
Immigration and Naturalization Service
7880 Biscayne Blvd., 11th Floor
Miami, FL 33138
(Counsel for Complainant)

Patricia L. Seifert
General Counsel
Cleveland Construction, Inc.
8620 Tyler Blvd.
Mentor, OH 44060
(Counsel for Respondent)

Dea Carpenter
Associate General Counsel
Immigration and Naturalization Service
425 "I" Street, N.W., Room 6100
Washington, D.C. 20536

Linda Hudecz
Paralegal Specialist to Robert L. Barton, Jr.
Administrative Law Judge
Office of the Chief Administrative Hearing Officer
5107 Leesburg Pike, Suite 1905
Falls Church, VA 22041
FAX NO.: (703) 305-1515